

HISTORIC PRESERVATION COMMISSION

Minutes

December 10, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, December 10, 2009, in the Council Chambers at the City Hall, 217 S. Main Street.

Present: Jack Errante, Susan Hurt, Deborah Johnson, Judy Kandl, Anne Lyles, Emily Perry, Andrew Pitner, Anne Waters

Absent: Kathy Walters

The meeting was called to order by the Chairperson, Anne Lyles. Following introduction of the members present, the purpose and procedure for the meeting was read by the chairperson.

Requests for Certificates of Appropriateness

H-46-09 218 W. Thomas Street – John R. & Cristina Brincefield, owner
John R. Brincefield, applicant

Request: Removing and replacing existing concrete/asphalt drive and parking area with new concrete driveway and parking.

Note: This request is for review of work already completed, which includes expansion of the parking area.

Property owner, John Brincefield was sworn in to give testimony for the request.

Mr. Brincefield testified that in March 2008 he tore up and replaced the driveway that runs from Thomas Street and wraps around his house to a 2-car garage underneath the house because it was in a very bad repair condition that included broken concrete, peeling asphalt, and drainage issues. The original driveway was concrete overlaid with asphalt. He further testified that approximately 10 feet was added to the existing parking area in the back. Mr. Brincefield apologized for his failure to request a Certificate of Appropriateness and stated that he did not know it was needed because the driveway and parking area were existing.

Staff presented slides to show the pictures submitted by Mr. Brincefield as he described each picture. He pointed out where the existing driveway had been located. Additional slides included 2006 and 2009 aerial views, and a copy of the survey which indicated the amount of the extension to the driveway.

In response to a question from Anne Lyles, Mr. Brincefield said the ground-covering underneath the swing set was rubber mulch and regular mulch on both sides. He verified that there was no grass area, and explained that nothing would grow there because of the large trees so he decided to mulch it.

Viewing the slides, Andrew Pitner inquired as to whether or not there was an alley.

Janet Gapen said it may be an easement. Mr. Brincefield said he was not sure what it was; however, he was aware of an abandoned underground pipe that ran under his neighbor's garage and behind his house at a low area in the yard that drops off his property down into a swell.

Mr. Brincefield testified in response to a question from Jack Errante that he had added approximately 10-12 feet deep of additional asphalt from the tree toward the back; enough room to get around the tree. Janet Gapen showed the added area from the slides and stated that the total lot is about 80 ft. wide.

Judy Kandl made the following assessment to which Mr. Brincefield stated was correct: The original curved driveway ended in a parking area behind the building; the area toward the back of the site was filled in and made a part of the parking.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl informed Commission members that the request needed to be looked at as if it was a drawing submittal and then determine if they would have approved the drawing.

Anne Lyles stated that there was a lot of area covered by surface rather than remaining natural. She said half of the tree area has been lost.

Andrew Pitner noted that concrete is an appropriate material so the material used would not be an issue. He read guideline #13 stating that the configuration is challenged by it: *It is not appropriate to create large off-street parking areas encompassing so much of the rear yard that the residential character of the site is lost.* He said most of the homes in that area have large lots.

Janet Gapen stated that even though the work has been completed, the Commission is bound to look at the situation as if the work had not been completed. She gave the following options that the Commission could consider: (1) to approve as presented (2) to deny and (3) the consideration of amendments that could be made through the course of the meeting. In response to Anne Waters who asked if Mr. Brincefield could appeal if denied, Janet Gapen said "Yes." The appeal would go the Zoning Board of Adjustment (ZBA) within 30 days. She explained that the ZBA would determine if the decision was arbitrary or if the decision was based on the facts of the case and the design guidelines. Following that determination, if the decision of the HPC is upheld by ZBA, then it would be up to the property owner to rectify the work in order to meet the guidelines. The level of appeal beyond the Zoning Board of Adjustment is Superior Court.

In response to Susan Hurt who asked Mr. Brincefield if he had read the guidelines regarding his request, he said he had not read the guidelines.

Janet Gapen explained to Mr. Brincefield that if he chose not to appeal the decision to the Zoning Board of Adjustment following a denial from the Commission, the process then would involve the submission of a new application showing the area that he proposed to leave natural and the area that would be covered with concrete. She informed him that if he chose to replace identically what was existing in terms of the amount of area that was covered by paving, then it could be reviewed as replacement of the existing and considered as a minor work approval.

Anne Lyles stated that in addition to the rubber mulch which takes away from the residential character, guideline #13 covers it all

Judy Kandl read the following narrative text from Driveway and Offstreet Parking which says: *Do not destroy the residential character of the site by eliminating significant landscape features or a substantial portion of the rear yard.* She noted that a substantial portion of the rear yard is paved, and from the side street looked as if the entire back yard was a parking lot. She continued by reading guideline #11 which says: *Screen all new parking areas from adjoining properties with fencing or shrubbery.* She noted that there did not appear to be any fencing or shrubbery in the proposal.

Mr. Brincefield testified that there was fencing on one side in the rear yard and shrubbery and trees on the driveway side. He asked if a new COA submittal would need to include a plan for shrubbery and trees to separate an existing vacant lot; to which Jack Errante responded by informing Mr. Brincefield of the guideline which says “*screen all new parking areas;*” therefore, if he went back to the original size it would not be applicable. He said, “You would just be conforming.”

Judy Kandl explained that if the request was to replace paving materials it would be considered a minor work because he would be only replacing what was there.

There being no other comments or questions, Andrew Pitner made the motion as follows: “*I move that the Commission find the following facts concerning Application #H-46-09 – that John R. Brincefield, owner of 218 W. Thomas Street, appeared before the Commission and sought a Certificate of Appropriateness to remove and replace existing concrete/asphalt drive and parking area with new concrete, and expand the parking area; this request is for work already completed including expansion of the parking area; that no one appeared before the Commission to support or oppose this request, this request should not be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Driveways & Offstreet Parking, pages 60-61, guidelines 2,3,11, and 13 of the Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-46-09 be denied to John R. and Cristina Brincefield, owners of 218 W. Thomas Street, to make the changes detailed in the application.*”

Deborah Johnson seconded the motion; all members present voted AYE.

Janet Gapen informed Mr. Brincefield that she would contact him to offer assistance in his decisions concerning his next step. She also informed him of another resource – the 4-member Design Review Committee composed of contractors, architects and former Commission members who would be available to meet with him with advice for his project.

H-47-09 215 W. Innes Street – Maxwell Chambers Trust, % D.B. Jordan, owner - Thomas E. Clay, applicant

Request: Replacement of downspouts.

Tom Clay and David Jordan were sworn to give testimony for the request.

Mr. Clay informed the Commission that the copper downspouts on the building had been stolen again after being replaced from another burglary. He stated that based on the cost of the copper gutters, they would like to replace them with a less valuable material so that they would not be stolen again. He said the difference in cost for replacement ranged from \$1500 to \$7500. Mr. Clay further informed the Commission that consideration had been given to the replacement of the entire gutter system, but later decided that the building would remain more in its historic state if the gutters were left as they are.

He presented a sample of the color and material of the proposed downspout.

In response to Judy Kandl, Mr. Clay said the banding at the top of the building would remain. She also asked if the aluminum downspout would be round as were the original or if the existing gutter system would be modified to accept a new shape. Mr. Clay said the downspout opening would be modified by creating a connector that would change from round to the new shape.

Anne Waters asked if the round shaped downspout in a substitute material was available. Mr. Clay said it was not available in round.

In response to a comment made by Jack Errante, Mr. Clay said a thief would not mistake the substitute material for copper. Mr. Jordan said if the downspouts were stolen again, at least it would not cost \$7500 to replace them if approval is granted for the change in material.

Anne Waters said the Commission understood the economics of it but their real concern was that they would not be round.

In response to Judy Kandl who asked how recent it had been since the last time the downspouts were stolen, Mr. Jordan said it was probably a year ago. He said they have been trying to get the problem solved for about 18 months, and are anxious to get it fixed because water was pouring down on the foundation and onto the brick work

Public Hearing

Jack Thomson, Historic Salisbury Foundation, was sworn to speak in opposition to the request.

Mr. Thomson began by saying to the applicants that their building was one of the most important buildings in the downtown. He said, "You all are incredible stewards of this building."

He then acknowledged that the proposal for the replacement of the material type was perhaps a sign of the time. He then informed the applicants and the Commission that he was sure he would be able to find the round downspouts in an industry standard color. He stated that he would be in favor of a prefinished aluminum material but in opposition to a change in the profile. He said, "I would be in support of a round downspout in this finish, in this material, and offer help in being able to find it."

Deliberation

Susan Hurt informed the applicants that the economics is not in the Commission's scope of review. She explained that the guidelines were about preserving and maintaining historic material although there have been times when the Commission has allowed replacement because was not feasible to maintain historic materials.

Mr. Clay stated that their main concern was not the cost, but rather to divert the water from causing damage to the building. He explained that the downspouts have been down for over a year, and if they are again replaced with copper and stolen again, then nothing would have been accomplished.

Anne Lyles asked the applicants if they would be open to the possibility of round downspouts in the same proposed material and color. Mr. Clay said, "If we can find them, sure, and I would welcome the help from Mr. Thomson."

In the Commission's discussion of the feasibility of the downspout's shape, size, and material, Janet Gapen stated that the 2 things to consider are (1) what has been proposed is the shape that was presented; and (2) the fact that it is not known yet whether the round downspouts are available. She suggested that the motion include both shapes. She further stated that in previous instances under the same situation the style approved fitted the round gutter; therefore, for this case, factors would need to be named as to why the round would not be appropriate in the same situation.

Judy Kandl noted that the subject property has a different local historical significance than the other buildings had with the same request; such as the library which was non-contributing.

Anne Lyle stated that her problem with the rectangular shape is the vertical grooves which she thinks would be visibly distracting.

Judy Kandl explained that corrugation is a strength issue which compensates for the thickness that it doesn't have. She said she would be surprised to see if there was actually a round aluminum gutter; however, Jack Thomson stated that it could be found.

Janet Gapen informed the Commission that another option would be to defer the decision in order to get more information, if the applicants agreed to that.

Mr. Jordan, however, preferred that a decision be made. He urged Commission members to consider approval, saying, “We will make every effort to get the round.”

There being no other discussion, the Chair called for a motion.

Susan Hurt made the following motion: *“I move that the Commission find the following facts concerning Application #H-47-09 – that Thomas E. Clay and David Jordan, agents for the Maxwell Chambers Trust, owner of 215 W. Innes Street, appeared before the Commission and sought a Certificate of Appropriateness to replace existing and stolen copper downspouts with aluminum downspouts – that Jack Thomson appeared before the Commission to support in part and to oppose in part; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Architectural Metals, pages 35-37, guidelines 1-8 of the Residential Historic District Design Guidelines; mitigating factor: original copper downspouts have been stolen twice and the high likelihood that they will be again if replaced again with copper; therefore, I further move that a Certificate of Appropriateness for Application #H-47-09 be granted to Thomas E. Clay, agent for the Maxwell Chambers Trust, owner of 215 W. Innes Street to make the changes detailed in the application with the following changes agreed to by the applicant: the applicants will make their best effort to replace the copper downspouts with aluminum downspout in a round non-corrugated style, and if it is not possible to replace the copper downspouts with aluminum downspouts in a non-corrugated style then they will proceed with replacement of the downspouts with the rectangular shaped aluminum downspout presented at the meeting.”*

Andrew Pitner seconded the motion. The following members voted AYE: Jack Errante, Susan Hurt, Deborah Johnson, Emily Perry, and Anne Waters. Members voting NO were as follows: Judy Kandl, Anne Lyles, and Andrew Pitner.

Anne Lyles stated that she would like to see that every possibility had been explored for the round. She said, “At this point I don’t see that being addressed.”

Dave Jordan said, “I assure you we are going to make every effort to get the aluminum round downspouts if it is at all possible.”

At this point, Jack Thomson, following his immediate investigation said, “We got them!”

Other Business

Appoint committee to study possible changes to the design guidelines

Janet Gapen said she would schedule the meetings at the most convenient times. They would be non-lengthy and probably early evening. She said she would like to have some completed changes in February or March, meeting once or maybe twice a month. The first meeting would be held in January. She will get some information to the members prior to the first meeting.

The following persons volunteered to work on the committee: Andrew Pitner, Susan Hurt, and Anne Waters; also Jack Thomson from Historic Salisbury Foundation. Jack Errante will be the alternate.

She said there may be some aspects that would require asking others to join. She said, “We’ll just see how it goes.”

2010-2011 HPC Goals

Janet Gapen presented a power point presentation of the 2010-2011 goals. She stated that she was recommending that some be dropped and had added one new goal. The goals presented were as follows:

High Priority with Need For Funding

1. Apply for federal Historic Preservation Fund grant (with 40% local match) to update the historic inventory and complete recommended boundary extensions of national districts. The following national districts have not been updated since they were designated more than twenty years ago:

Salisbury Historic District (Downtown and West Square (1975)
Livingstone College Historic District (1979)
Brooklyn-South Square Historic District (1985)
North Main Street Historic District (1985)

FUNDING REQUEST: \$ 20,000

In response to a question from Anne Lyles, Janet Gapen said the list shown was not in priority order but in order according to age of the district.

Agreed to retain.

2. Continue Historic Preservation Incentive Grant Program at the current level of funding.

FUNDING REQUEST \$ 30,000

Agreed to retain.

3. NEW Goal:
Conduct an organizational assessment of the city’s historic preservation programs and related activities to identify strengths, weaknesses and future strategies.

Funding Request: \$_____ (no amount at this time) to be used for facilitated discussions, focus groups, targeted interviews, etc.

Janet Gapen that this goal was based on the age of the HPC program , which is at least about 30 years old, in order to do some assessment prior to launching into future preservation plans. The assessment could include facilitated discussion from outside professionals, with the commission, the public, and/or target interviews of focused groups in order to begin identification of areas that might need to be addressed.

The amount of funding will be figured by Janet Gapen and given later. She will try to have an estimated range prior to January 30th, at which time the goals are to be concluded.

High Priority Goals (No Additional Funding Required)

1. Consider seeking an amendment to *House Bill 1202 – Regulation of Demolition in the Downtown* to include other local historic districts
Staff recommendation: Shelving until the economy has improved and stabilized; however, Commission members agreed that it should remain.
2. Provide assistance to Fulton Heights Neighborhood Association and residents as they consider local historic district designation.
Staff recommendation: Retain.
Agreed to Retain.
3. Support initiatives to improve the condition of residential and commercial properties, such as a commercial maintenance code, more effective housing codes, certificates of occupancy for rental properties and a housing commission.
Staff recommendation: Retain.
Agreed to Retain with highest priority.
4. Ensure that the historic district review process is fully supported by the new Customer Resource Management software.
Staff recommendation: Retain.
Agreed to Retain.
5. Provide historic district information to county building inspection office.
Staff recommendation: Removal.
Agreed to Retain to a lower priority.
6. Continue to update Historic District Design Guidelines as necessary.
Staff recommendation: Retain.
Agreed to Retain.
7. Consider changes to the Historic Preservation Grant Program to remove eligibility in the case of unresolved code violations.

Susan Hurt suggested also adding ineligibility to property owners who have been put on notice that a change has been made without a certificate of appropriateness.
Agreed to Retain.
8. Continue efforts to inform property owners about historic district guidelines using newsletters, brochures, Access 16 and other opportunities.
Agreed to Retain.
9. Continue to keep minutes and other existing content on the website current until a new, updated department website is created.
Agreed.

10. Contact the Association of Realtors to schedule another presentation about historic districts at their monthly luncheon.

Agreed.

11. Look for additional ways to reach and inform residents of historic districts, especially new residents.

Andrew Pitner informed the Commission that the Historic Neighborhood Alliance, of which he is a member, is already looking at ways to inform prospective residents of historic districts. He said one of their goals is to produce a more accessible map of the districts.

Staff recommendation: to group with goal #8.

Agreed.

12. Take advantage of training and educational opportunities for commission members and staff.

Agreed.

13. Develop new training materials for Commission members that cover procedures, architectural styles and how to apply the Secretary of Interior Standards.

Agreed.

Medium Priority Goals

1. Work with the GIS division to complete a photographic inventory of historic district properties.

Agreed to Retain.

2. Support GIS division efforts to create an online searchable database of historic district structures to include descriptions, current photographs and historic photographs where available.

In response to a question from Andrew Pitner, Janet Gapen said the database is capable of accepting pictures.

Agreed to Retain.

3. Recognize Preservation Month by participating in an activity that promotes preservation in our community.

Agreed to Retain.

Ms. Gapen asked Commission members who may have an idea for a new goal to let her know prior to the January meeting, at which time the goals would be adopted.

Adoption of 2010 HPC Calendar

Ms. Gapen informed Commission members that the calendar includes all the regular 2nd Thursday dates except for the month of February. Because of the City Council Retreat schedule, the February meeting has been changed to Monday, February 15th, the Monday following the 2nd Thursday.

Andrew Pitner made the motion to adopt the 2010 schedule. Anne Waters seconded the motion, all members present voted AYE.

Minor Works

There were no questions or comments concerning the minor work approvals.

1008 W. Monroe Street

Jack Thomson informed the Commission in reference to the demolition request for 1008 W. Monroe St. heard at the November meeting that he had spoken with the property owner on several occasions since the meeting. He stated that the conversations were positive and Mr. Simpson liked some of the ideas that were offered him from the Historic Salisbury Foundation.

Jack Thomson also informed the Commission of the National Register eligible property located at the corner of S. Caldwell & W. Monroe Street which was recently burned by the Fire Department as a fire training exercise as a result of the minimum housing code. He said he had pictures if anyone would like to see them.

Minutes

The November minutes were approved as corrected upon a motion from Susan Hurt, seconded by Deborah Johnson, and all members present voting AYE.

Adjournment

There being no other business to come before the Commission, the Chairperson called the meeting adjourned at 7:00 p.m.

Anne Lyles, Chairperson

Judy Jordan, Secretary